

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JOE A. PENNINGTON,)
)
Plaintiff,)
)
v.) No. 3:05-1075
) Judge Echols
)
METROPOLITAN GOVERNMENT OF)
NASHVILLE AND DAVIDSON)
COUNTY, et al.,)
)
Defendants.)

ORDER

For the reasons set forth in the Memorandum issued contemporaneously herewith, Defendants Metropolitan Government of Nashville and Davidson County, Assistant Chief Joseph Bishop, and Captain Michael T. Hagar's Motion to Dismiss (Docket Entry No. 9) is hereby GRANTED IN PART and DENIED IN PART as follows:

(1) The Motion to Dismiss is GRANTED with respect to Plaintiff's claims under the Fifth and Sixth Amendments and his Equal Protection claim under the Fourteenth Amendment; and

(2) The Motion to Dismiss is DENIED with respect to Plaintiff's claims under the Fourth Amendment and the Due Process Clause of the Fourteenth Amendment.

This case is hereby returned to the Magistrate Judge for further pretrial management in accordance with Local Rule 16.01.

It is so ORDERED.



ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE